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Debates in the Pennsylvania Convention 3 December 1787 (excerpts)

JAMES WILSON: . . . With respect to the clause restricting Congress from prohibiting the migration or importation of such persons as any of the states now existing shall think proper to admit prior to the year 1808, the honorable gentleman [William Findley] says that this clause is not only dark, but intended to grant to Congress, for that time, the power to admit the importation of slaves. No such thing was intended; but I will tell you what was done, and it gives me high pleasure that so much was done. Under the present Confederation, the states may admit the importation of slaves as long as they please; but by this Article, after the year 1808, the Congress will have power to prohibit such importation, notwithstanding the disposition of any state to the contrary. I consider this as laying the foundation for banishing slavery out of this country; and though the period is more distant than I could wish, yet it will produce the same kind, gradual change, which was pursued in Pennsylvania. It is with much satisfaction I view this power in the general government, whereby they may lay an interdiction on this reproachful trade; but an immediate advantage is also obtained, for a tax or duty may be imposed on such importation, not exceeding ten dollars for each person; and this, sir, operates as a partial prohibition. It was all that could be obtained, I am sorry it was no more; but from this I think there is reason to hope that yet a few years and it will be prohibited altogether; and in the meantime, the new states which are to be formed will be under the control of Congress in this particular; and slaves will never be introduced amongst them. The gentleman [William Findley] says, that it is unfortunate in another point of view; it means to prohibit the introduction of white people from Europe, as this tax may deter them from coming amongst us. A little impartiality and attention will discover the care that the Convention took in selecting their language. The words are, the *migration or* IMPORTATION of such persons, etc. shall not be prohibited by Congress prior to the year 1808, but a tax or duty may be imposed on such IMPORTATION; it is observable here, that the term migration is dropped when a tax or duty is mentioned; so that Congress have power to impose the tax only on those imported. . . .

[Satirical Report of] ROBERT WHITEHILL: Mr. President: It has been said that Congress will have power, by the new Constitution, to lay an impost on the *importation* of slaves into these states; but that they will have no power to impose any tax upon the *migration* of Europeans. Do the gentlemen, sir, mean to insult our understandings when they assert this? Or are they ignorant of the English language? If, because of their ignorance, they are at a loss, I can easily explain this clause for them. The words "*migration*" and "*importation*" sir, being *connected* by the *disjunctive* conjunction "*or*," certainly mean either migration or importation; either the one or the other; or both. Therefore, when we say "a tax may be laid upon such *importation*," we mean, either upon

the *importation* or *migration*; or upon both; for, because they are *joined together*, in the first instance, by the *disjunctive conjunction* “or,” they are both synonymous terms for the same thing—therefore, “*such importation*,” because the *comparative* word “*such*” is used, means both importation and migration. . . .

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